



REPORT

FALL 2007

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2007 General Assembly Approves New Project Value Limits, License Designations

The North Carolina General Assembly adjourned August 2, 2007, approving a record \$20.7 billion budget and passing 337 bills during the 6 ½ month session. Several bills enacted during the session amended or changed North Carolina's contractor licensing laws. House Bill 1338, filed earlier in the session by the State Board of Examiners of Electrical Contractors, contained

an amendment which raised the project value limitations for general contractors with Intermediate limitations from \$700,000 to \$1 million. The project value limitation for the Limited limitation increased from \$350,000 to \$500,000. The new law amended G.S. 87-10(a) and became effective October 1, 2007.

(CONTINUED ON PAGE 2)

New Federal Rule Affecting Employers Who Receive Social Security No-match Letters

Social Security no-match letters are commonplace in the construction industry and ignoring them may soon put a business on the hot seat with the Department of Homeland Security (DHS). After more than a year of anticipation, DHS recently published a Final Rule affecting employers who receive no-match letters from the Social Security Administration

(SSA). The Final Rule states that receipt of an SSA no-match letter can be considered as evidence that an employer has constructive knowledge that an employee does not have work authorization. However, the Final Rule also creates a "safe harbor," a set of procedures that if followed by the employer, helps employer avoid

(CONTINUED ON PAGE 3)

NCLBGC REPORT

Published semi-annually as a service to general contractor licensees to promote a better understanding of the General Contractors Licensing law (N.C.G.S §87-1 to 87-15.9) and to provide information of interest to construction professionals and the public

LICENSING BOARD CALENDAR

Veteran's Day/Board Office Closed
November 12, 2007

Thanksgiving/Board Office Closed
November 22 & 23, 2007

Christmas/Board Office Closed
December 24, 25 & 26, 2007

General Contractors Licenses Expire
December 31, 2007

New Year's Day/Board Office Closed
January 1, 2008

Martin Luther King Jr.'s Birthday / Board
Office Closed
January 21, 2008

Regular Board Meeting
January 23, 2008

Good Friday/Board Office Closed
March 21, 2008



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2007 General Assembly (CONTINUED FROM PAGE 1)

Senate Bill 747, "Builder Designations", was ratified on July 28, 2007 and is now effective. The new law, G.S. 87-15.4, provides state recognition for graduates of the NC Builders Institute, the educational arm of the North Carolina Home Builders Association. The legislation was introduced by the North Carolina Home Builders Association and its members, who sought license designations for graduates who meet and maintain specific educational certification through the Builders Institute's curriculum. The two designations to be conferred by the Licensing Board are "North Carolina

Certified Accredited Residential Builder" and "North Carolina Certified Accredited Master Residential Builder." The new law grants authority to the Licensing Board to approve for the new designations licensees who successfully complete a course of study, offered by a community college or other provider, deemed by the Board to be equivalent to the educational requirements of the Builders Institute program.

Visit the Licensing Board's website at www.ncibgc.org to view the current general contractor licensing statutes and rules.



severe civil and criminal penalties. It is expected that these regulations will take effect in mid-September of 2007.

Currently, all employers are required to complete an I-9 “Employment Eligibility Verification” form for every employee hired. This form must be completed within three days of the hiring date and must be retained for three years after the hiring date or one year after the termination date, whichever is later. The purpose of this form is to document an employee’s eligibility to work in the U.S. The form allows for numerous types of documentation to be presented as proof of employment eligibility. Failure to complete this form properly or failure to complete the form at all can be considered constructive knowledge of the employer that the employee is not work authorized. If an employer has constructive knowledge or knowingly hires someone who is not work authorized, the employer is subjecting itself to civil and possibly

criminal penalties that could exceed \$11,000 per alien worker.

The new Federal rule expands the definition of “constructive knowledge” that an employee is not work authorized. Constructive knowledge now includes failure of the employer to take reasonable steps to address three situations: (1) an employee’s request for the employer’s sponsorship for a labor certification or visa petition; (2) receipt of a no-match letter from the SSA; and (3) receipt of a notice from DHS (usually after an I-9 audit) that the employee’s employment authorization documents presented in connection with completion of the I-9 form do not match DHS records.

The first step to reduce an employer’s exposure is to conduct an internal audit of the I-9 files to confirm whether they are being maintained in compliance with the law. The second step is to immediately address any pending and future SSA no-match

letters received. Even though the letter may state that the no-match letter should not be considered as proof that an employee is not work authorized, the new DHS rule indicates otherwise. However, employers should also be aware that the new rule creates a “safe harbor” for employers who receive a no-match letter but who choose to follow a specific protocol to rectify the discrepancy. If an employer follows this protocol after receiving a no-match letter, the employer will be immune from a constructive knowledge charge. Thus, it is important to take all no-match letters seriously, discuss them with the affected employees in an appropriate and timely manner, and take appropriate and lawful action in situations where the employer and the employee are unable to reconcile the discrepancy.

— Anna Baird Choi

(Anna Baird Choi is a partner with the law firm of Bailey & Dixon, LLP, General Counsel for the Licensing Board)



Disciplinary Action

(The following Board Orders and other Board disciplinary actions reported here are not a complete summary of all activity or a full representation of each case. Every effort is made for accuracy, but such is not guaranteed. Questions or requests for additional information about specific cases should be referred to the Board's Legal Section.)

Final Decisions

Andy Anderson Builder, Inc. and William G. Anderson, as Qualifier (Buncombe County; 04C519) License No. 38677. A disciplinary hearing was conducted on November 8, 2006 and the Final Decision entered on November 22, 2006. Mr. Anderson held a limited residential license and had last renewed January 3, 2006. The Board found the actions of Mr. Anderson to be in violation of sections § 3101.1 and R403.1 of the N.C. State Building Code, Residential 2002 Edition; construction of the dwelling's

foundation/footings was not capable of supporting the loads imposed and of transmitting the loads to undisturbed natural soils or engineered fill. The actions of License No. 38677 constituted misconduct in the practice of general contracting and are directly attributable to its Respondent Qualifier. Respondent was reprimanded for its misconduct, which became a matter of public record.

David L. Layton and David L. Layton, as Qualifier (Wake County; 05C372) License No. 12190. The Board conducted a disciplinary hearing

on November 8, 2006 and the Final Decision entered on November 22, 2006. Mr. Layton had an unlimited residential license which was then active. Through the use of false writings, wire communications in interstate commerce, and the use of the US Mail for the purpose of executing a scheme to defraud and obtain money by false and fraudulent pretenses, representations and promises, the Board found the actions of Mr. Layton to constitute misconduct in the practice of general contracting. The Board revoked both License No. 12190 and Mr. Layton's examination credentials.

Definitions

Consent Order: An order of the Board resulting from an agreement between the Board and a licensee regarding the revocation or suspension of the license to practice general contracting, or the conditions, limitations or restrictions placed on that license. This is a method of resolving or settling disciplinary or contested cases in lieu of a disciplinary hearing.

Revocation: A Board action which permanently terminates a license by effectively withdrawing that license to practice general contracting.

Suspension: A Board action which inactivates a license to practice general contracting for a set period of time.

Dismissal/Voluntary Dismissal: A Board action dismissing a contested case, resulting in no disciplinary action against the licensee or Respondent.

Voluntary Surrender: A licensee's relinquishing or tendering of the license to practice general contracting, pending an investigation or other action by the Board.

Reprimand: A Board action wherein the licensee and/or qualifier is/are reprimanded for disciplinary purposes. The Reprimand becomes a permanent record in the file and is subject to approval by the licensee/qualifier in lieu of being referred to the full Board for formal proceedings.

Admission of Violation: A document signed by a licensee who admits to the stated violations, agrees not to repeat them, but acknowledges that the Board may use the document against the licensee prospectively should such action become necessary.

Injunction: A Superior Court order entered against an unlicensed contractor who is illegally practicing general contracting. Such an order stops the illegal practice and can be obtained by consent of a cooperating contractor or by default judgment; violation of the injunction is contempt of court.

Code: Provisions of the North Carolina State Building Code (Residential/Vol. VII and previous editions; General Construction/Vol. I).

Donald Steven Fitzpatrick t/a Genford Development Company, Donald Stephen Fitzpatrick as Qualifier (Wake County; 04C479 and 04C514) License No. 55426. A disciplinary hearing was conducted on November 8, 2006 and the Final Decision entered on November 22, 2006. Testimony and exhibits showed that Genford's license had last been renewed on February 9, 2006. Genford had entered into an agreement with Terminix Services, II, Inc. for the complete construction of a new service facility in Holly Springs. Genford failed to obtain a building permit in a timely manner for the project; Genford also began clearing and grading for the project prior to obtaining a general contractors license. License No. 55426 and Mr. Fitzpatrick's ability to act as a qualifying party for a license was suspended for a period of one year, effective as of November 22, 2006

S.N. Davis Company, Inc. and Shelby G. Davis as Qualifier (Warren County) License No. 49245. A disciplinary hearing was conducted at OAH before the Honorable Joe L. Webster, ALJ, on January 9, 2007. Judge Webster's Proposed Decision was adopted by the Board on February 19, 2007. S.N. Davis Company, Inc. (Davis) had been involved in four construction projects at issue (three residences and one church addition), with a conclusion of gross negligence, incompetency and misconduct. License No. 49245 and the examination credentials of Mr. Davis were revoked.

Advantage Electric & Building, Inc. and David Richard Coleman, Qualifier (Iredell County; 05C24)

Governor Appoints Cleve Paul, Reappoints Michael Barber to Licensing Board

Governor Michael F. Easley has appointed Cleve Paul of Goldsboro to serve a five-year term on the NC Licensing Board for General Contractors. Mr. Paul's term began December 29, 2006. Governor Easley has reappointed Board member Michael Barber for a second five-year term, effective December 22, 2006.

Mr. Paul, a native of Washington, NC, has over 40 years experience in the construction industry, including estimating, field operations, subcontract negotiations, contract administration, marketing and cost accounting. He received a BS degree in Business Administration from East Carolina University in 1970. In 1977, he joined D.S. Simmons, Inc., a Goldsboro commercial construction firm and was named Vice President in 1980. In 1989, he was named D.S. Simmons' President and Chief Executive Officer. Mr. Paul is

currently a member and past Board member for Carolinas Associated General Contractors. He was Chairman and Vice Chairman of the N.C. State Building Commission and is currently a member of the Advisory Board of the Construction Management Program at East Carolina University.

Mr. Barber attended Campbell University School of Law, the University of North Carolina-Chapel Hill, and earned a B.A. in Economics from the University of North Carolina at Greensboro. A Greensboro native, he currently serves as a member of the Greensboro City Council and is former member and chairman of the Guilford County Board of Commissioners. He is also former chairman and member of the Greensboro Housing Commission. Mr. Barber is an attorney with Barber & Barnes in Greensboro, specializing in general practice.

License No. 54091. A disciplinary hearing was conducted on May 9, 2007 and the Final Decision entered on May 24, 2007. Testimony and exhibits showed that License No. 54091 had last been renewed on January 1, 2005. Advantage Electric & Building, Inc. (Advantage) had contracted to remodel and repair a single family dwelling but failed to obtain a building permit for nearly a month after beginning the work, violating Section §301.1 of the NC Administrative and Enforcement Code, 2002 Edition and eight sections of the 2000 International Residential Code,

2002 Edition. Neither Advantage nor Mr. Coleman appeared and were not represented at hearing. The Board revoked both License No. 54091 and the examination credentials of Mr. Coleman.

Martin Garza t/a MG Enterprises (New Hanover County; 06C299, 06C474 and 07C13) License No. 60291. The Board conducted a disciplinary hearing on August 8, 2007 and the Final Decision entered on August 23, 2007. The Board record, testimony and exhibits showed that License No. 60291 was issued on May 9, 2006. The

license was not active at hearing and was expired. The Board revoked License No. 60291 and ordered Mr. Garza to pay Five Thousand Dollars (\$5,000) to the Board for reasonable administrative costs associated with the investigation and prosecution of the willful violations of NCGS Article 1, Chapter 87 at issue in this disciplinary action.

F. Murray Real Est. Apprsls, Inc. t/a BC Construction, and Sherman Brent Currin, as Qualifier (Harnett County; 05C145) License No. 51467. A disciplinary hearing was conducted on August 8, 2007 and the Final Decision entered on August 17, 2007. Testimony and exhibits showed that License No. 51467 had been issued on August 13, 2002 and last renewed on January 1, 2007. F. Murray Real Est. Apprsls, Inc. (BC Construction) had entered into an agreement to manage the setup of a modular home. The project was to include oversight, underpinning, electrical, plumbing and HVAC, but no payments for permits, the home or the subcontractors, all for one fee to be paid after the certificate of occupancy had been issued. The Board suspended License No. 51467 and the examination credentials of Mr.

Currin for three (3) months, effective as of August 17, 2007.

David Allen Wallace, t/a Mountain Country Contracting and David Allen Wallace, as Qualifier (Clay County; 06C187 and 06C242) License No. 51604. The Board conducted a disciplinary hearing on September 12, 2007 and the Final Decision entered on September 14, 2007. Testimony and exhibits showed that License No. 51604 had been issued on August 12, 2002 and last renewed on March 14, 2007. The name of David Allen Wallace, t/a Mountain Country Contracting (Mountain Country) does not appear anywhere on the contract between the homeowners and the unlicensed contractor who actually acted as the general contractor on the project; the building permit application was completed by Respondent licensee. Both License No. 51604 and Mr. Wallace's examination credentials were revoked for one year, although not applicable to unfinished projects already under contract. After the said one-year period, Mountain Country may apply for a license without having to re-take the licensing exam.

Revocations or Surrenders of License

Gary L. Nelson t/a B & B Construction Company (Buncombe County; 05C353, 06C447 and 06C457) License No. 28591. On January 12, 2007, Gary L. Nelson voluntarily surrendered his license to the Board. The Board considers surrender of license as permanent revocation.

Clara S. Jordan (Ashe County; 05C64) License No. 29057. On February 8, 2007, Clara S. Jordan voluntarily surrendered her general contractors license to the Board. The Board considers surrender of license as permanent revocation.

Nicholas D. Kintner, Sr. t/a Kintner Construction (Randolph County; 05C34) License No. 43456. On March 13, 2007, Nicholas D. Kintner voluntarily surrendered his license to the Board. The Board considers surrender of license as permanent revocation.

John H. Wood (Forsyth County; 06C182) License No. 31363. On August 7, 2007 John H. Wood

Tennessee, North Carolina Boards Agree on Exam Waiver

The Licensing Board and the Tennessee Board for Licensing Contractors have approved a reciprocal agreement to waive certain competency exams for each state's license applicants. Both agencies are responsible for enforcing state regulatory and licensing requirements for general contractors. The terms of the agreement only apply to the examination requirement, and all

other licensing requirements must be met before a license may be granted to applicants in each state. The agreement became effective April 1, 2007.

North Carolina licensees holding a North Carolina "Residential Contractor" examination are eligible for Tennessee's (BC-A) Residential Contractor classification, without examination. Licensees holding a

"Building Contractor" examination are eligible for Tennessee's (BC-A) Residential Contractor, (BC-B) Commercial Contractor and (BC-A,B Combined) Residential/ Commercial Contractor.

For information about applying for a general contractors license with the State of Tennessee, call (800)544-7693.

voluntarily surrendered his license to the Board. The Board considers surrender of license as permanent revocation.

Edna T. Marshall (Brunswick County; 07C14) Qualifier. On August 7, 2007, Edna T. Marshall voluntarily surrendered her examination credentials to the Board. The Board considers surrender of examination credentials as permanent revocation of the credentials.

Chosen Homes, LLC (Carteret County; 07C144, 07C145, 07C146 and 07C147) License No. 59994. On August 16, 2007, Timothy Joseph Newhouse, president, voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

The Signature Group of NC, Inc. (Moore County; 07C135) License No. 44432. On August 27, 2007, Kenneth L. Smith, Secretary and Registered Agent, voluntarily surrendered the corporate license to the Board. The Board considers surrender of license as permanent revocation.

James A. Worley (Jackson County; 05C385, 07C422 and 05C453) License No. 33934. On September 11, 2007, James A. Worley voluntarily surrendered his license to the Board. The Board considers surrender of License as permanent revocation.

Consent Order (Licensees)

Jeff W. Soden, Inc. (Virginia; 05C47) License No. 47721. On January 26, 2007 the Board entered into a Consent Order in which the license of Jeff W. Soden, Inc. was suspended

Implied Warranties and Newly Constructed Homes

In recent months, the North Carolina Attorney General's Consumer Protection Division has received numerous inquiries from builders and real estate brokers about "statutory warranties" that protect the purchasers of newly constructed homes. These callers may be referring to so-called implied warranties or other sources of builder liability for home construction defects. These legal obligations do not result from any statute enacted by the legislature. Instead, they result from longstanding customs in the home building trade or from decisions of the appellate courts of North Carolina in construction defect cases.

The so-called one-year builder's traditional warranty is an example of such a custom in the trade. Home builders in North Carolina traditionally have corrected defects that present themselves during the first year following completion of construction, including problems that are relatively minor and do not rise to the level of code violations or health and safety risks.

In 1974, in a decision known as *Hartley v. Ballou*, the North Carolina Supreme Court found that an implied warranty of fitness and habitability extended to the first purchaser of every newly constructed home. It was not a written or verbal warranty by the builder. Instead it was an implicit, unstated guarantee in the sales contract, extending from the builder to the purchaser, that the home

would be free of defects that could threaten the health and safety of its occupants. A home owner who has suffered a financial loss as a result of such a defect can bring a lawsuit for breach of contract, specifically breach of the implied warranty, and seek compensation for that loss. Generally, the statute of limitations requires that such a suit be brought within three years of discovery of the defect or six years after completion of construction, whichever comes first. If either one of those deadlines is missed, however, the lawsuit is legally barred. These deadlines in the statute of limitations might explain why implied warranties sometimes are referred to as "builders' six-year warranties" or "builders' three-year warranties" or even "statutory warranties."

In a 1985 decision known as *Oates v. J.A.G., Inc.*, the North Carolina Supreme Court held that owners of a recently constructed home could sue the builder under a theory of negligence, rather than breach of contract, in order to recover losses caused by violations of the state building code. The court held that a subsequent owner of the house could bring such a suit, as well. The same three-year/six-year time limitations apply to suits that are based upon this legal theory.

No government agency enforces these obligations on behalf of home owners. They must be enforced in the courts via private lawsuits that are brought by the home owners' at their own expense.

for six (6) months, but conditionally restored for fifteen (15) months beginning on February 18, 2007, the effective date of the consent order.

Steven Shane Kusan and Steven Shane Kusan, as Qualifier (Granville County; 05C30) License No. 43131. The Board entered into Consent Orders on February 9, 2007 in which Steven Shane Kusan and Steven Shane Kusan, as qualifier agreed that License No. 43131 was to be suspended for six (6) months, but conditionally restored for fifteen (15) months beginning on the effective date of the consent orders. Mr. Kusan's examination credentials also were to be suspended for six (6) months, but immediately conditionally restored.

Designers-Choice.com, Inc. and Michael D. Carpenter, as Former Qualifier (Mecklenburg County; 05C57) License No. 56510. On March 23, 2007 the Board filed Consent Orders in which Designers-Choice.com, Inc. and Michael D. Carpenter agreed to a six (6) month suspension of License No. 56510, conditionally restored with no active suspension. Mr. Carpenter's examination credentials also would be suspended for six (6) months, immediately conditionally restored with no active suspension.

Dwight M. Harless and Dwight M. Harless, as Qualifier (Ashe County; 04C486) License No. 38570. The Board entered into Consent Orders on March 23, 2007 in which Mr. Harless, both as licensee and as qualifier, agreed to a six (6) month suspension, but immediately conditionally restored for twenty-four (24) months beginning on the effective date of the consent orders. Mr. Harless also agreed to take and pass a Standard Level I

Building code course, or an equivalent course dealing with the residential code, within twelve months and provide verification of his satisfactory completion to the Board.

Nova Construction, Inc. and Robert Melvin Jackson, as Qualifier (Wayne County; 05C71 and 05C228) License No. 51917. On April 24, 2007 a Licensee Consent Order was filed in which Robert C. Jackson agreed to a one (1) year suspension of License No. 51917, conditionally restored following a six (6) month active suspension.

Baxley Construction Co., Inc. and Rudolph Leonard Baxley, Jr., as Qualifier (Brunswick County; 06C131) License No. 11115. The Board entered into Consent Orders on April 26, 2007 in which Mr. Baxley, as registered agent and qualifier, agreed to a six (6) month suspension of License No. 11115, conditionally restored for fifteen (15) months. Mr. Baxley also agreed to a six (6) month suspension of his examination credentials, immediately conditionally restored for fifteen (15) months beginning on the effective date of the consent orders. The Board also required Mr. Baxley to submit a statement explaining why and how his conduct was in violation of Chapter 87, Article 1.

Eric F. Henry Construction, LLC and Eric F. Henry, Qualifier (Haywood County; 05C32) License No. 48005. On May 3, 2007 the Board filed Consent Orders in which Eric F. Henry Construction, LLC and Eric F. Henry, qualifier agreed to a twelve (12) month suspension of License No. 48005 beginning on the renewal date for License No. 48005, and a twelve month suspension of Mr. Henry's examination credentials, beginning

on the effective date of the qualifier consent order.

C & W Home Improvement Co., Inc. [Respondent Licensee] (Forsyth County; 05C153 and 05C313) License No. 44731 **David Glenn Snider as Former Qualifier** [Respondent Qualifier] (Forsyth County; 05C153 and 05C313) License No. 44731 On May 8, 2007 the Board filed the Respondent Qualifier Consent Order in this case in which Mr. Snider as former qualifier agreed to an eighteen (18) month overall suspension of his exam credentials, to be immediately conditionally restored following a twelve (12) month active suspension. On May 11, 2007 the Board filed the Respondent Licensee Consent Order in which License No. 44731 (issued to C&W Home Improvement Co., Inc.) was suspended. The suspension is for an eighteen (18) month period, but the license is immediately conditionally restored following a six (6) month active suspension.

James Bradick Allen, Jr. and James Bradick Allen, Jr., as Qualifier (Pender County; 05C116) License No. 53663. The Board entered into Consent Orders on June 26, 2007 in which Mr. Allen as both licensee and qualifier agreed to a one (1) year suspension of license, but conditionally restored with no active suspension provided that License No. 53663 be renewed and remain current throughout the conditional restoration period. Mr. Allen's examination credentials are suspended for one (1) year, but conditionally restored with no active suspension.

R. Glenn Cullifer and Robert Glenn Cullifer, as Qualifier (Pender County; 04C511 and 05C329) License No. 15357. On July 6, 2007 the Board entered into

Consent Orders in which Mr. Cullifer agreed to a twenty-four (24) month suspension of License No. 15357, but conditionally restored following a twelve (12) month active suspension. Mr. Cullifer also agreed to a twenty-four (24) month suspension of his examination credentials, but conditionally restored following a twelve (12) month active suspension

Ronald S. Harris t/a Harris Builders and Ronald S. Harris, as Qualifier (Stanley County; 05C236) License No. 9929. The Board entered into Consent Orders on July 11, 2007 in which Mr. Harris, both as licensee and as qualifier, agreed to a three (3) month suspension of License No. 9927 to be immediately conditionally restored with no active suspension provided that the license is renewed and remains active. Mr. Harris also agreed to a three (3) month

suspension of his examination credentials to be immediately conditionally restored with no active suspension provided that License No. 9929 is renewed and remains current.

Edward A. Szymanski and Edward A. Szymanski, as Qualifier (Dare County; 05C240) License No. 23145. The Board entered into Consent Orders on August 8, 2007 in which Mr. Szymanski, as licensee and qualifier, agreed to a twelve (12) month suspension of License No. 23145, but conditionally restored following a six (6) month active suspension. He also agreed to a twelve (12) month suspension of his examination credentials following a six (6) month active suspension.

Mountain View Construction of WNC, Inc. and Bryan Keith Mount, as Qualifier (Madison County;

05C209) License No. 53901. On August 9, 2007 the Board filed Consent Orders in which Mountain View Construction of WNC, Inc. and Bryan Keith Mount as Qualifier agreed to a one (1) year suspension of License No. 53901, conditionally restored following a seven (7) month active suspension. Mr. Mount also agreed to a suspension of his examination credentials for one (1) year, but conditionally restored following a seven (7) month active suspension.

Havencroft Inc. and Bruce Allan Weber, as Qualifier (Orange County; 05C237) License No. 47660. On August 13, 2007 the Board filed Consent Orders in which License No. 47660 was suspended for six (6) months, but immediately conditionally restored with no active suspension. Mr. Weber's examination credentials



were suspended for six months, immediately conditionally restored with no active suspension.

John J. Kalna, Jr. and John J. Kalna, Jr., as Qualifier (Mecklenburg County; 05C308) License No. 19087. The Board entered into a Consent Order on August 31, 2007 in which Mr. Kalna, both as licensee and qualifier, agreed to a twelve (12) month suspension of license and examination credentials to be stayed following a three (3) month active suspension. Mr. Kalna agreed to take and pass a Standard Level I Residential Building Code course, or an equivalent course dealing with the residential code, and provide verification of his satisfactory completion to the Board.

Birchfield Log Homes Corporation and Larry Birchfield as Qualifier (McDowell County; 06C138) License No. 28928. On September 14, 2007 the Board filed Consent Orders in which Birchfield Log Homes Corporation and Larry Birchfield as Qualifier agreed to a ninety (90) day suspension of License No. 28928, conditionally restored with no active suspension.

Robert James Clayton and Robert James Clayton, as Qualifier (Swain County; 06C216) License No. 55538. The Board entered into Consent Orders on September 18, 2007 in which Mr. Clayton as licensee and as qualifier agreed to a one (1) year suspension of License No. 55538 and his examination credentials, conditionally restored following a six (6) month active suspension. Mr. Clayton also agreed to take and pass a Standard Level I Building code course, or an equivalent course dealing with the residential code, and

provide verification of his satisfactory completion to the Board.

Harold Eugene Wensil, III and Harold Eugene Wensil, III as Qualifier (Cabarrus County; 06C23) License No. 39492. The Board filed a Consent Order on September 22, 2007 in which Mr. Wensil as licensee and qualifier agreed to a one (1) year suspension of License No. 39492 and his examination credentials.

Reprimands (Licensees)

On March 22, 2007 the Review Committee issued Reprimands to the following persons or firms:

A & D Contracting, Inc. (Wake County; 06C413) License No. 37554.

Anderson-Moore Builders, Inc. (Forsyth County; 06C236) License No. 37967.

Michael Kevin Bradshaw (Catawba County; 07C07) License No. 14972.

C. Patrick Bryant (Buncombe County; 07C90) License No. 41612.

CH & Sons Construction, Inc. (Gaston County; 06C379) License No. 61226.

Michael W. Cochran (Wake County; 06C286) License No. 53065.

Home Remedies Handyman Services and Construction (Caldwell County; 06C499) License No. 37732.

Core-Mark, LLC (Gaston County; 06C351) License No. 56411.

Charles Ray Evans (Robeson County; 06C282) License No. 18513.

Everett Custom Homes (Catawba County; 06C400) License No. 53815.

Otis Gregory Foster (Guilford County; 04C492) License No. 45559.

Johnson Carpentry (Buncombe County; 07C89) License No. 61422.

Jeffrey W. Greene (Mecklenburg County; 06C377) License No. 34392.

John Kent Roofing & Construction (Pitt County; 06C430) License No. 59844.

Graham K. Knight (Rowan County; 06C406) License No. 33684.

Law Developers, LLC (Currituck County; 05C149) License No. 49401.

Mark Marcoplos t/a Marcoplos Construction (Orange County; 06C293) License No. 39981.

Charles Lee McGaha (Swain County; 06C425) License No. 52503.

Page Construction Company, Inc. (Forsyth County; 06C343) License No. 10193.

Premium Quality Homes, LLC (Mecklenburg County; 06C435) License No. 54273.

Region South Construction & Development, Inc. (Davie County; 07C63) License No. 56781.

Gary J. Schmitt t/a Gary Schmitt Builders (Mecklenburg County; 06C344) License No. 39994.

Sierra Homes, Inc. (Onslow County; 05C247) License No. 34900.

Unique Home/Builder Designer, Inc. (Brunswick County; 05C309) License No. 51627.

Whitline, LLC (Mecklenburg County; 07C31) License No. 54282.

Vaughn M. Williams (Rockingham County; 06C240) License No. 8102.

On September 20, 2007 the Review Committee issued Reprimands to the following persons or firms:

American Constructors of North Carolina, Inc. (Pitt County; 07C362) License No. 52005.

Ballard Construction, Inc. (Wake County; 07C360) License No. 51607.

Bryson Builders, Inc. (Pitt County; 07C213) License No. 59825.

Buccaneer Construction (Northampton County; 07C264) License No. 43500.

The Capitol Group, Inc. (Wake County; 07C361) License No. 61049.

William Todd Darnell (Davidson County; 06C05) License No. 42531.

Devco, Inc. (Buncombe County; 07C416) License No. 50058.

Eaglehawk Construction, Inc. (Wake County; 06C250) License No. 43754.

G & R Construction (Gaston County; 06C426) License No. 31147.

Glade Holdings, Inc. (Henderson County; 07C203) License No. 43296.

Heritage Homes of Clayton (Johnston County; 07C66) License No. 10937.

Homelife Communities Group (Mecklenburg County; 06C362) License No. 50532.

Jerry M. Howard (Granville County; 07C178) License No. 44606.

Integrity Construction (Ashe County; 05C438) License No. 45253.

Eric A. Laughter (Henderson County; 07C219) License No. 16503.

Leonard Builders, Inc. (Carteret County; 07C114) License No. 28698.

Majestic Mountain Construction, Inc. (Jackson County; 05C290) License No. 53619.



J. Arlen Poarch (Caldwell County; 07C153) License No. 38154.

Gregory Haile Minor (Cabarrus County; 07C233) License No. 24847.

Provident Exteriors & Designs (Union County; 07C40) License No. 29636.

Ram Jack, LLC (Durham County; 07C10) License No. 53778.

Steve L. Regner (Johnston County; 07C128) License No. 41767.

David N. Sidbury, Inc. (Mecklenburg County; 04C503) License No. 24120.

W.R. Teague, Inc. (Alamance County; 06C489) License No. 54472.

Timothy Steven Construction, Inc. (Cabarrus County; 07C281) License No. 58875.

Luther L. Waddell, Jr. (Craven County; 07C12) License No. 38478.

Williams Industrial Services, LLC (Georgia; 07C238) License No. 62875.

William Trotter Company (Mecklenburg County; 07C291) License No. 5176.

Vaughn M. Williams (Rockingham County; 06C444) License No. 8102.

Adam N. Winters (Mitchell County; 07C232) License No. 53331.

Admissions of Violation (Licensees)

M & M Construction, Inc. (Vance County; 05C286) License No. 50546. On March 8, 2007 an Admission of Violation was filed in which Horace Marshburn, President and Qualifier, admitted entering into an unlicensed joint venture with Valley View Development Corporation, contracting for the construction of a single family dwelling in the name of an unlicensed entity.

Randall Shirley Builders, Inc. (Wake County; 04C66) License No. 41358. On June 11, 2007, Respondent signed an Admission of Violation in which Herbert Randall Shirley, Qualifier, admitted violating 19 sections of the 2002 N.C. Residential Building Code and 2 sections of the 2002 N.C. Administration and Enforcement Code in the construction of an addition to a home in Raleigh.

Unlimited Construction Services, Inc. (Mecklenburg County; 05C179) License No. 52893. On June 11, 2007 a representative of Unlimited Construction Services, Inc. signed an Admission of Violation admitting the violation of two sections of the 2002 N.C. Residential Building Code in the construction of a single family dwelling in Charlotte.

4M Construction Company, Inc. (Brunswick County; 05C94) License No. 51374. On June 12, 2007 an Admission of Violation was signed in which the president of 4M Construction Company, Inc. (4M) admitted entering into a \$622,203 contract at a time when 4M's qualifiers were neither employees nor corporate officers of 4M.

Birchfield Log Home Corporation (McDowell County; 05C301) License No. 28928. On June 12, 2007 an Admission of Violation was filed in which Larry Birchfield, qualifier, admitted violating one section of the 2002 N.C. Residential Building Code, without having an engineered design for the the foundation wall of a home as required by the Code.

Industrial Turnaround Corporation (Virginia; 05C162) License No. 53546. On June 12, 2007 an Admission of Violation was filed in which Richard W. Starnes, Sr., vice president of Industrial Turnaround Corporation (Industrial Turnaround) admitted submitting a proposal for a storm water and sewer renovation project at a time when Industrial Turnaround held an unlimited building license, and not the required license classification (public utilities).

Quest Construction Services, LLC (Iredell County; 05C168) License No. 57371. On June 13, 2007 an Admission of Violation was filed in which David Kyle Stultz, qualfier, admitted submitting a \$58,800 proposal and contract to UNC-Pembroke for façade repairs to a building prior to becoming licensed as a general contractor.

Richard Eugene Gray (Wayne County; 04C458) License No. 46531. On June 15, 2007 an Admission of Violation was filed in which qualifier for the applicant admitted failing to fully disclose to the Board his complete conviction history on Mr. Gray's application for licensure to the Board.

Summers-Taylor, Inc. (Tennessee; 05C350) License No. 28541. On June

15, 2007 an Admission of Violation was filed in which Robert T. Summers, qualifier, admitted entering into a contract for site development and related work. The original contract price of \$10,484,700 was amended by adding \$3,452,028. On the dates when Summers-Taylor, Inc. entered into both contracts, they held an unlimited building license, and not an unlimited public utilities license, as required. On August 23, 2006, Summers-Taylor, Inc. received a public utilities license from the Board.

Lumina Builders, Inc. (New Hanover County; 05C194) License No. 40028. On June 19, 2007 an Admission of Violation was filed in which Robert Benjamin Hooks, Jr., qualifier, admitted submitting a bid to the City of Wilmington for replacement of a wastewater treatment plant gravity belt thickener. As of the date when the bid was submitted, Lumina Builders, Inc. held an unlimited building license and not a required public utilities license classification. Lumina Builders, Inc. was only entitled to act as a general contractor for single projects classified as public utilities valued at up to \$30,000, and not in excess of that amount.

Stonehenge Building, Inc. (New Hanover County; 05C195) License No. 55207. On June 19, 2007 an Admission of Violation was filed in which Jennifer Lancaster, qualifier, admitted submitting a bid to the City of Wilmington for replacement of a wastewater treatment plant gravity belt thickener. As of the date when the bid was submitted, Stonehenge Building, Inc. (Stonehenge) held a limited building license, and not a required public utilities license classification. Stonehenge currently holds both building and public utilities classifications.

Larry Steve Haynes (Davidson County; 05C435) License No. 34089. On June 22, 2007 an Admission of Violation was filed in which Larry Steve Haynes, qualifier, admitted that in 1994 Haynes Family Builders was an unlicensed entity which entered into a contract to construct a single family home for the price of \$204,597. In 1994, David Glenn Haynes held a residential license, but prior to that he violated § 87-11 by acting as a principal in an entity that engaged in the practice of general contracting without a license.

Heritage Homes of the Carolinas, Inc. (Iredell County; 05C335) License No. 54435. On June 26, 2007 an Admission of Violation was filed in which Mark Stephen Faulkenberry, qualifier, admitted entering into a contract for the construction of a single family dwelling for a contract price of \$354,700. As of the date of the contract, Heritage Homes of the Carolinas, Inc. (Heritage) held a limited building license, which was increased to unlimited on January 3, 2006.

Micah Edquist (Stanly County; 05C252) License No. 51615. On June 28, 2007 an Admission of Violation was filed in which Micah Helms Edquist, qualifier, admitted submitting an estimate for the construction of an addition to a home. The cost of the construction was \$3,800, and Mr. Edquist submitted an invoice for the construction. Two violations of the N.C. Residential Building Code 2002 Edition, were found in the construction.

Timothy Cobb Robinson, Sr. (Vance County; 06C224) License No. 21015. On June 29, 2007 an Admission of Violation was filed in which Timothy Cobb Robinson, Sr., Qualifier, admitted contracting for

the construction of a single family dwelling in Littleton for the price of \$155,000. Mr. Robinson allowed the purchasers to move into the home prior to the final inspection and also prior to receiving the Certificate of Occupancy.

Rundquist, Inc. (Davidson County; 05C348) License No. 54771. On June 29, 2007 an Admission of Violation was filed in which Karl John Rundquist, qualifier, admitted entering into a contract with an unlicensed entity to perform remodeling or repair work from water damage with a single family dwelling in China Grove. The contract price was \$33,622. Mr. Rundquist obtained a building permit from Rowan County. He violated §87-11 by acting as a principal in an entity that engaged in the practice of general contracting without a valid license and contracting for the construction of a single family dwelling in the name of an unlicensed entity.

Broadband Network Services, Inc. (Georgia; 04C252) License No. 56355. On July 3, 2007 an Admission of Violation was filed in which James Lawrence Warren, qualifier, admitted that Worldbridge Broadband Services, Inc. (Worldbridge) was an unlicensed entity, foreign to NC but doing business in NC. Worldbridge had contracted with ACC Cable Communications for the installation of 800 miles of underground communications cable in Davie and Stokes Counties, in an amount of \$6,844,000, without first holding a valid general contractors license.

Jeffrey L. Henson t/a Henson Builders (Transylvania County; 05C187) License No. 36222. On July

3, 2007 an Admission of Violation was filed in which Jeffrey L. Henson, Qualifier, admitted entering into a contract to remodel a single family dwelling in Rosman for an estimated cost of \$56, 043. Parts of the house were deemed to be unsalvageable and beyond repair and the cost of the project was increased by \$7,000. Construction commenced four months prior to the issuance of the building permit by Transylvania County. Sections of the 2002 N.C. Administrative code were violated.

David Richard Coleman (Wilkes County; 05C307) License No. 51534. On July 3, 2007 an Admission of Violation was filed in which David Richard Coleman, qualifier, admitted performing construction with an invalid NC general contractors license and failing to provide the Board with a copy of his bankruptcy petition within 30 days of its filing.

Legacy Builders Group, Inc. (Orange County; 05C446) License No. 48936. On July 12, 2007 an Admission of Violation was filed in which John Michael Vuyteeki, qualifier, admitted performing construction with an invalid contractors license, and failing to properly disclose full required financial information to the Board on its 2005 Application for Renewal.

Michael R. Rhodes (Wake County; 05C274) License No. 25691. On July 17, 2007 an Admission of Violation was filed in which Michael R. Rhodes, qualifier, admitted that he had contracted for the renovation of a commercial building in Garner for a cost of \$43,363, under the name of an unlicensed entity and without filing papers with the Board reporting doing business under an assumed name.

Do-All Construction, LLC (Lenoir County; 04C345) License No. 45635. On July 19, 2007 an Admission of Violation was filed in which Nicholas Picciotti, Jr., qualifier, admitted submitting an estimate and a building permit application to the Town of LaGrange with an estimated cost of construction of \$30,000. 18 violations of 2002 N.C. Residential Building Code were found in the construction. In addition, there were three instances where Respondent failed to disclose required information on license renewals.

Unlicensed Contractor Cases—Injunctions

Default Judgment: Permanent Injunctions were obtained by entry of a Default Judgment in Wake County Superior Court against each of the unlicensed contractors listed below for practicing general contracting in an amount of \$30,000 or more, in violation of N.C.G.S. § 87-13. In some instances, the Sheriff was unable to locate the contractors and/or Certified Mail was not delivered, but the Board effected service either by newspaper publication or through the Secretary of State; nevertheless, the contractors were enjoined from further practice of general contracting (including bidding) in an amount of \$30,000 or more until such time as he/she becomes licensed by the Board.

Keith Wilhoit d/b/a Alpha & Omega Construction (Randolph County; 05C99). Keith Wilhoit d/b/a Alpha & Omega Construction submitted a proposal to construct a home addition for a cost of \$38,908. Default Judgment was entered on December 1, 2006.

Bockus Home Improvement, Inc. (Mecklenburg County; 05C354). Bockus Home Improvement, Inc. contracted to construct a home addition in Charlotte for a cost of \$54,000. Default Judgment was entered on December 1, 2006.

Easy Living Custom Homes, Inc. (Robeson County; 04C160). Easy Living Custom Homes, Inc. entered into an agreement to sell and erect a modular home on property in Fayetteville for a cost in excess of \$30,000. Less than two months later they obtained a building permit in Cumberland County to erect a home for an estimated cost of \$135,000 using the license of a licensed general contractor. Default Judgment was entered on December 1, 2006.

Jeffrey D. Garner (Stokes County; 05C370). Mr. Stokes contracted to repair a fire damaged home in Winston-Salem for a cost in excess of \$37,338. Default Judgment was entered on December 1, 2006.

Just Exteriors, Inc. (Wake County; 05C312). Just Exteriors undertook to renovate and construct a home addition in Durham where the cost exceeded \$30,000. Default Judgment was entered on December 1, 2006.

Mansel Nash d/b/a Carpenter for Hire (Mecklenburg County; 06C82). Mansel Nash d/b/a Carpenter for Hire contracted to construct a home addition in Charlotte for a cost of \$50,000. Default Judgment was entered on February 16, 2007.

Countryside Log Homes & Ashton Development Corporation, Alexander R. Czipulis, Harvey Cecil Stubbs and Christine Serenci

(Jackson County; 05C405, 05C410 and 05C416). Countryside Log Homes and Ashton Development Corporation (Countryside) contracted to construct a custom log home in Transylvania County for a cost in excess of \$230,765 and thereafter undertook construction along with Defendant Stubbs. Less than a year later, Defendant Countryside and Defendant Stubbs contracted for and undertook construction of a custom log home in Macon County for a cost of \$250,467. One month later, Defendant Countryside and Stubbs contracted for and undertook construction of a log home in Clay County for a cost of \$163,000. Default Judgment was entered on February 16, 2007 against Defendants Countryside and Stubbs. (See Injunction case consent orders for more in these cases)

Charles Marvel (Currituck County; 06C41, 06C42 and 06C73). Mr. Marvel contracted to complete a house-moving project in Currituck County where the cost of the project exceeded \$30,000, then contracted to complete a second house-moving project in Currituck County for a cost of \$64,779. Default Judgment was entered on February 16, 2007.

Eric Russell (Caswell County; 06C47). Mr. Russell contracted for the construction of an addition for a cost of \$33,712. Default Judgment was entered on February 16, 2007.

Scott T. Teubner and Garages Built on Site, Inc. (Catawba County; 06C89). Mr. Teubner and Garages Built on Site, Inc. contracted to construct a garage and bathroom in Statesville for a cost of \$37,500. Default Judgment was entered on February 16, 2007.

Charles Deziel and Kodiak Enterprises, Inc. (Wake County; 06C78). Mr. Deziel applied for a building permit in Wake County to construct a home for a cost of \$230,000 using the license number of a licensed general contractor without the licensee's knowledge or consent. Mr. Deziel and Kodiak Enterprises, Inc. then undertook construction and less than seven months later contracted to sell the house for \$349,700. Default Judgment was entered on February 23, 2007.

Christian Thompson d/b/a Triangle Design Build Management (Wake County; 06C20). Mr. Thompson d/b/a Triangle Design Build Management contracted to construct a home addition in Raleigh for a cost of \$48,000. Default Judgment was entered on March 6, 2007.

Jessibrook, Inc. (Haywood County; 05C423). Jessibrook, Inc. contracted to construct a home in Henderson County for a cost of \$171,155. Default Judgment was entered on March 30, 2007.

Gregory Braum and Kristi Rhodes d/b/a Pools of Pride (Mecklenburg County; 05C17). Gregory Braum and Kristi Rhodes contracted to construct a retaining wall and in-ground pool for an estimated cost of \$76,155, but misrepresented the cost of construction as \$28,400 on the building permit application. Default Judgment was entered on April 27, 2007.

Homeworx, Inc. (Mecklenburg County; 06C194). Homeworx, Inc. contracted to renovate a home in Kannapolis for a cost in excess of \$30,000. Default Judgment was entered on August 10, 2006.

John R. Perkins, Jr. and Master Home Solutions, Inc. (Cabarrus County; 06C258). Mr. Perkins obtained a building permit as owner/builder for construction of a home with an estimated cost of \$110,000, and later undertook construction. Almost two months later, Master Home Solutions, Inc. entered into an offer to purchase and contract to sell the home for \$150,000. Default Judgment was entered on June 14, 2007.

Atlantis Pool Sales Company, LLC (Currituck County; 06C195). Atlantis Pool Sales Company, LLC contracted to construct a swimming pool in Currituck County for a cost of \$30,816. Default Judgment was entered on June 15, 2007.

Steve Mebane d/b/a Precise Construction & Remodeling (Mecklenburg County; 06C126). Mr. Mebane contracted to construct a home addition in Charlotte for a cost of \$31,975. Default Judgment was entered on August 23, 2007.

Brandon M. Toth and Toth Building & Development, Inc. (Wake County; 06C184). Mr. Toth contracted to remodel and construct a home addition in Raleigh for a cost of \$53,790, and then formed Toth Building & Development, Inc. Both Mr. Toth and the corporation undertook construction of the project; Mr. Toth misrepresented the cost as \$20,750 on the filed building permit application. Default Judgment was entered on August 23, 2007.

Onel C. Tucker (Columbus County; 06C169). Mr. Tucker undertook to construct and/or superintend and manage the construction of a new church building in Whiteville where

the cost of the project exceeded \$1,000,000. Default Judgment was entered on August 23, 2007.

Consent Orders of Unlicensed Contractors:

Permanent Injunctions were obtained by entry of a Consent Order in Wake County Superior Court concerning each of the following unlicensed contractors who practiced general contracting in an amount of \$30,000 or more, in violation of N.C.G.S. § 87-13, but who admitted to their wrongdoing, paid court costs and service fees and cooperated with the Board in the matter.

One Stop Services, Incorporated (Wake County; 06C32). One Stop Services, Incorporated entered into a contractor agreement to furnish all materials and perform all work to repair a fire damaged home in Bunn for a cost of \$54,275, unaware that its actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on December 1, 2006.

Corey Hedrick (Cabarrus County; 05C443). Mr. Hedrick obtained two building permits as owner/builder to move two single family residences. When the original permits were obtained, Mr. Hedrick intended that he and other family members would live in the homes. Due to a change in family circumstances, Mr. Hedrick rented one of the homes, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agree and

stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on December 12, 2006.

Waters Construction Company, Inc. (Mecklenburg County; 05C11). The Board contends that Waters Construction Company, Inc. (Waters) contracted to construct a custom home for \$490,000. Waters denies that it engaged in the unauthorized practice of general contracting but is willing to enter into a Consent Order to resolve the case. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on December 12, 2006.

A Pleasure Pool, Inc. d/b/a A Pleasure Pool & Spa, Inc., and d/b/a A Pleasure Pool (Brunswick County; 06C25 and 06C40). A Pleasure Pool entered into three contracts to construct a pool, room addition and screen room in Brunswick County for \$56,550 and then contracted to construct a pool for a cost of \$30,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on December 20, 2006.

Jon D. Smith (Iredell County; 05C213). Mr. Smith obtained a building permit as owner/builder to construct a single family dwelling for an estimated cost of \$386,000. Prior to completion and due to family circumstances, Mr. Smith listed the home for sale unaware that his actions would be deemed the unauthorized practice of general contracting. He was willing to enter into a Consent Order to resolve the case and the parties agree and stipulate to the

findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on January 12, 2007.

Gerald G. Allen (Virginia; 06C76). Mr. Allen, through an agent, obtained a building permit as owner/builder to construct a single family dwelling for an estimated cost of \$180,000. Believing that all construction was to be undertaken by a licensed general contractor, Mr. Allen was unaware that the contractor on the permit application was unlicensed. Prior to completion of construction, Mr. Allen listed the home for sale unaware that his actions would be deemed the unauthorized practice of general contracting. Mr. Allen does not admit that he engaged in the unauthorized practice of general contracting, but is willing to enter into a consent order to resolve the case. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the consent order. A consent order was entered on January 19, 2007.

Duncan Marine Contractors, Inc. (New Hanover County; 06C112). Within a three-month period, Duncan Marine Contractors, Inc. submitted three proposals to install and replace bulkheads for costs in excess of \$30,000. Since one of its principals was licensed, the company believed it did not need a license in its own behalf. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on January 25, 2007.

Michael B. Montanaro and Michael D. Fullam (Chowan County; 06C45 and 06C230). The Board contends that Mr. Montanaro and Mr. Fullam undertook construction of a home

where the cost exceeded \$30,000, but defendants deny they have engaged in the unauthorized practice of general contracting. Defendants are willing to enter into a consent order to resolve the case, and the parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on January 25, 2007.

Eddie Mintz d/b/a Custom Elite Homes (Burke County; 05C414). Mr. Mintz contracted to construct a home in Buncombe County for a cost of \$167,926. Defendant then believed that he and another were engaged in a lawful joint venture, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on January 30, 2007.

Baxley Development Inc. (Wake County; 06C132, 06C139 and 06C196). The Board contends that Baxley Development Inc. (Baxley) contracted three times to construct homes where the cost of each home exceeded \$30,000. The contracts stated that a licensed subsidiary would perform the construction, and the subsidiary was not a party to any of the contracts. Baxley denies that it engaged in the unauthorized practice of general contracting but is willing to enter into a consent order to resolve the case. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on February 1, 2007.

Madison Construction Group, Inc. (Mecklenburg County; 04C517). Madison Construction Group, Inc. contracted to remodel a residence in

Cabarrus County for a cost in excess of \$30,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on February 16, 2007.

Human Service Alliance (Forsyth County; 06C285). The Board contends that Human Service Alliance obtained building permits to construct six condominiums with an estimated cost of \$50,816 per unit. Human Service Alliance denies that it engaged in the unauthorized practice of general contracting but is willing to enter into a Consent Order to resolve the case. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on February 19, 2007.

Larry Hostetter d/b/a L&L Remodeling (Davidson County; 06C246). Mr. Hostetter contracted to remodel and construct a home addition in Mocksville for a price of \$39,220. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on February 19, 2007.

Dale Maxwell (Craven County; 06C86). Mr. Maxwell undertook to superintend or manage the construction of a new home in Havelock for a biweekly fee of \$2,000 not to exceed 15% of the total project cost. Mr. Maxwell was unaware that his actions would be deemed the unauthorized practice general contracting, but is willing to enter into a Consent Order to resolve the case. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on February 19, 2007.

Joseph Mitchell (Swain County; 06C253). Mr. Mitchell contracted to construct a log cabin in Swain County for a cost of \$40,400. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on February 21, 2007.

Premier Metal Structures, Inc. (Randolph County; 06C173). The Board contends that Premier Metal Structures, Inc. (Premier) contracted to construct a metal barn in Carthage for a cost in excess of \$30,000. Premier denies that it engaged in the unauthorized practice of general contracting but is willing to enter into a Consent Order to resolve the case. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on February 21, 2007.

Windjammer Construction Company, LLC (Carteret County; 06C159). The Board contends that Windjammer Construction Company, LLC (Windjammer) contracted to construct a home in Atlantic Beach for a cost of \$426,700, and obtained a building permit in the name of Windjammer's president. Windjammer denies that it engaged in the unauthorized practice of general contracting but is willing to enter into a Consent Order to resolve the case. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on February 21, 2007.

JPS of Cashiers, LLC (Georgia; 06C155). JPS obtained a building permit as owner/builder to construct a residence for an estimated cost of \$600,000 and then undertook

construction. JPS obtained a Certificate of Occupancy and sold the home six months later. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on March 9, 2007.

Audie Simpson d/b/a Home Improvement Specialists (Pitt County; 06C101). Audie Simpson d/b/a Home Improvement Specialists (Simpson) undertook renovation of a home in Greenville where the cost ultimately exceeded \$30,000. Although his initial contract was below \$30,000, Simpson undertook additional work at the homeowners' request. Simpson's actions were unintentional and inadvertent, and he was unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agree to be bound by the terms of the Consent Order. A Consent Order was entered on March 9, 2007.

O.H. Carroll Construction, LLC (Pender County; 06C111). The Board contends that O.H. Carroll (Carroll) contracted to sell a home to be constructed on property in Onslow County for a cost in excess of \$30,000. The house was sold and constructed by a licensed general contractor. Carroll denies any wrongdoing and further denies that it engaged in the unauthorized practice of general contracting, but is willing to enter into a Consent Order to save the Court's and its own resources and bring the case to a speedy conclusion. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on March 9, 2007.

James House d/b/a House Custom Woodworks (Buncombe County; 06C270). Mr. House submitted a bid to re-roof the Vance birthplace and slave cabin in Buncombe County for a cost in excess of \$30,000 unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on March 9, 2007.

Anthony C. Leary d/b/a Leary's & Sons Construction Company (Tyrrell County; 06C301). Mr. Leary submitted a Proposal to construct a home in Columbia for a cost of \$107,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on March 14, 2007.

Brent Coniglio (New Hanover County; 05C46). Mr. Coniglio contracted to construct a home in Wilmington for a cost of \$150,000, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on March 15, 2007.

Thomas D. Von Canon (Mecklenburg County; 06C162). Mecklenburg County issued a building permit to a licensed general contractor to construct a home on property owned by Mr. and Mrs. Von Canon in Charlotte for an estimated cost of \$50,000. The Board contends that Mr. Von Canon undertook construction and/or superintended and managed the construction of the home. Mr. Von Canon denies that he engaged in the unauthorized practice of general

contracting yet he is willing to enter into a consent order to resolve the case. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on March 15, 2007.

Ernest S. Scott d/b/a Baywood Construction Company (Martin County; 06C237). Mr. Scott undertook to superintend or manage the construction of a new home in Columbia, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on March 22, 2007.

Jason Jack d/b/a Servpro of Caldwell and Alexander Counties (Alexander County; 06C244). Mr. Jack undertook to reconstruct a fire damaged home for a cost in excess of \$30,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on March 27, 2007.

Jerry Luft d/b/a Jerry's Home Improvements (Onslow County; 06C105). Mr. Luft contracted to remodel the interior of a home in Onslow County for a cost of \$24,790 and two months later contracted with the same person to remodel the exterior of the same home for a cost of \$23,570, for a total cost of \$48,360. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on March 27, 2007.

Brinson Hyman (Nash County; 06C164). Mr. Hyman contracted to construct a

home in Bailey for a cost of \$261,000, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on March 30, 2007.

James Frederick d/b/a Consolidated Construction Group (Duplin County; 06C33). Mr. Frederick undertook to superintend or manage all or a portion of the construction of a church building in Rose Hill with a budget cost of \$256,550, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on May 7, 2007.

Gary Douglas Jenkins and Rhonda L. Jenkins d/b/a Cornerstone Builders (Georgia; 06C188). Mr. and Ms. Jenkins contracted to construct a log home in Cherokee County for a cost of \$78,000, unaware that their actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on May 21, 2007.

Countryside Log Homes & Ashton Development Corporation, Alexander R. Czipulis, Harvey Cecil Stubbs and Christine Serenci (Jackson County; 05C405, 05C410 and 05C416). Countryside Log Homes and Ashton Development Corporation (Countryside) undertook construction of three log homes in Clay, Transylvania and Macon Counties where the cost of each home exceeded \$30,000. The parties agree and stipulate to the findings

of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on June 5, 2007. (See Injunction case default judgments for more in these cases.)

Christine L. Hampton d/b/a Hampton's Home Improvement (Henderson County; 06C221). Ms. Hampton contracted to construct a home addition in Hendersonville for a total cost in excess of \$30,000, unaware that her actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on June 12, 2007.

Woods Restoration Services of S.C., LLC (South Carolina; 06C496). Woods Restoration Services of S.C., LLC undertook to repair a fire damaged home in Canton for a cost in excess of \$30,000, unaware that its actions would be deemed the unauthorized practice of general contracting, since it had applied for licensure and had hired a licensed general contractor to perform the work. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on June 19, 2007.

Randy Lanier and R. Robinson & Sons, Inc. d/b/a Patios & Sunrooms USA (Wayne County; 06C146). Defendants in this case contracted to construct a sunroom on a home in Apex for a cost of \$52,526 and thereafter undertook construction, unaware that their actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order

was entered on June 24, 2007.

B & W Contracting Services, LLC (Wake County; 05C151). B & W Contracting Services, LLC undertook renovations of the Bank of Currituck in Southern Shores for a cost in excess of \$30,000, unaware that its actions would be deemed the unauthorized practice of general contracting because it intended that a licensed general contractor would serve as the general contractor for the project. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on June 28, 2007.

Bob Lewis d/b/a Lewis Construction and Renovations (Tennessee; 06C281). Mr. Lewis contracted for renovation and to construct a home addition in Banner Elk for a cost in excess of \$30,000 unaware that his actions would be deemed the unauthorized practice of general contracting as he believed the involvement of a licensed general contractor on the project satisfied State law. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on June 29, 2007.

LBR Properties, L.L.C. (Mecklenburg County; 06C342). L.B.R. Properties, L.L.C. (L.B.R.) obtained a building permit from Union County to construct a home for an estimated cost of \$79,000 and thereafter undertook construction, selling the home within four months of its completion. Defendant was unaware that its actions would be deemed the unauthorized practice of general contracting. L.B.R. had told the local building inspections office that he intended to sell the home upon completion. The parties agree and stipulate to the findings of fact and

agree to be bound by the terms of the Consent Order. A Consent Order was entered July 6, 2007.

Phillip “Pete” Rice d/b/a New Image Sunrooms (Mecklenburg County; 06C257). Mr. Rice contracted to construct a home addition in Gastonia for a cost in excess of \$30,000; the increase to an amount exceeding \$30,000 was due to subsequent change orders. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered July 17, 2007.

Susan E. Stuck (Hyde County; 00C00). Ms. Stuck obtained a building permit as owner/builder from Hyde County to construct a personal residence for an estimated cost of \$200,000 and undertook construction. Prior to the issuance of a certificate of occupancy, Ms. Stuck listed the house for rent. Ms. Stuck does not admit that she engaged in the unauthorized practice of general contracting but is willing to enter into a Consent Order to resolve the case. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered July 23, 2007.

Samuel Golobish and S&C Wood Creations, Inc. (Mecklenburg County; 06C339). S&C Wood Creations, Inc. contracted to remodel a home in Matthews for a cost of \$34,666. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered July 25, 2007.

Edward Denaci (Mecklenburg County; 06C484). Mr. Denaci contracted to construct a home

addition in Union County for a cost of \$32,000, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered July 30, 2007.

Richard Basden (Cumberland County; 07C73). The Board contends that Mr. Basden undertook repairs to a fire damaged home in Fayetteville for a cost in excess of \$30,000. Mr. Basden in no way admits that he engaged in the unauthorized practice of general contracting but is willing to enter into a Consent Order to resolve this case. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 7, 2007.

Roof Doctor of the Carolina’s North, Inc. (Brunswick County; 06C277). Roof Doctor of the Carolina’s North, Inc. (Roof Doctor) contracted with Sea Trail Corporation to replace a roof on a building for a cost of \$72,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 7, 2007.

Robert Sholar (Duplin County; 06C433). The Board contends that Mr. Sholar undertook to remodel and construct a home addition in Duplin County for a cost in excess of \$30,000. Mr. Sholar in no way admits that he engaged in the unauthorized practice of general contracting, but is willing to enter into a Consent Order to resolve the case. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of

the Consent Order. A Consent Order was entered on August 7, 2007.

Aqua Pools, Inc. (Cleveland County; 07C52). Aqua Pools, Inc. contracted to construct a swimming pool in Cornelius for a cost in excess of \$30,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 15, 2007.

Omni Restoration Service, LLC (Union County; 06C422). Omni Restoration Service, LLC undertook to repair a fire damaged home in Gaston County for a cost in excess of \$30,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 15, 2007.

William Schmidt & Sons, Inc. (Catawba County; 06C423). William Schmidt & Sons, Inc. contracted to renovate and convert a storage building into a studio apartment in Hickory for a cost in excess of \$30,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 15, 2007.

Shea Andrews (Union County; 06C494). Mr. Andrews submitted a proposal for renovations of a home in Monroe for a cost of \$21,267, and 20 days later submitted a proposal for a separate job for other renovations of the same home for a cost of \$18,591 making the total amount of the two proposals \$39,858. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 23, 2007.

J. Kelly Houser and Bryant and

Houser Construction d/b/a B&H Construction (Buncombe County; 07C22). Bryant & Houser Construction contracted to renovate a home in Buncombe County for a cost in excess of \$30,000. Defendants contend that the contracts were mistakenly prepared in the name of the partnership and that all work was directly supervised by Mr. Bryant. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 28, 2007.

Carolina Outdoor Creations, Inc. (Wake County; 06C376). Carolina Outdoor Creations, Inc. (Carolina Outdoor) contracted to construct a new deck and porch for a cost of \$42,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 28, 2007.

Rom Huskins, Jr. (McDowell County; 07C61). Mr. Huskins undertook to construct a home addition in Marion and was paid \$32,967. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 28, 2007.

Tim Kenney d/b/a Kenney Construction & Home Remodeling (Wake County; 07C27). Mr. Kenney contracted to construct a sunroom and deck for a home in Cary, the cost of which ultimately exceeded \$30,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 28, 2007.

John Rascoe (Bertie County;

06C492). Mr. Rascoe contracted to renovate a home in Bertie County for a cost of \$32,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the consent order. A Consent Order was entered on August 28, 2007.

Adam West d/b/a West Construction (Macon County; 06C429). Mr. West contracted to construct a log home in Tipton for a cost of \$135,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 28, 2007.

Franklin Micah Vanderburg (Cabarrus County; 06C382). Mr. Vanderburg obtained a building permit as owner/builder from the City of Concord to construct a personal residence for an estimated cost of \$75,000. Following construction of the home, the certificate of occupancy was issued. Before residing in the home for one year, Mr. Vanderburg placed the property on the market for sale. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 31, 2007.

Terrell Brown (Wilson County; 07C21). Mr. Brown undertook to renovate a home in Wilson County for a cost in excess of \$30,000. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on August 7, 2007.

Michael A. Radan (Dare County; 07C03). Mr. Radan undertook to repair and remodel a home in Kill Devil Hills for a cost under \$30,000, but a subsequent change order increased

the total cost of the project to over \$30,000. Mr. Radan was unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on September 14, 2007.

Francis A. Zeh (Carteret County; 06C203). Mr. Zeh obtained a building permit as owner/builder from Morehead City to construct a personal residence and then undertook construction. The Certificate of Occupancy was issued and Mr. Zeh sold the home on the same date. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on September 4, 2007.

Mark A. Papp (Georgia; 07C28). Mr. Papp obtained a building permit from Avery County to construct a personal residence for a cost exceeding \$30,000. Following construction, the Certificate of Occupancy was issued and Mr. Papp listed the home for rent the following month, unaware that his actions would be deemed the unauthorized practice of general contracting. The parties agree and stipulate to the findings of fact and agree to be bound by the terms of the Consent Order. A Consent Order was entered on September 27, 2007.

Other:

The unlicensed contractor cases below were resolved with the Board by other means:

Larry Morgan and Jesse Robinson d/b/a Sunset Services (Cabarrus County; 05C114). Larry Morgan



provided an Estimate to construct a garage on property in Mt. Pleasant for a cost of \$31,330, and thereafter undertook construction without having a valid general contractors license. A permanent injunction was obtained in Wake County Superior Court on December 1, 2006 when the Court allowed the Board's Motion for Summary Judgment against Larry Morgan and Jesse Robinson d/b/a Sunset Services.

Leroy Douglas, II (Northampton County; 05C202). Mr. Douglas obtained a building permit from Hertford County to construct a personal residence in Ahoskie for an estimated cost of \$30,000. Mr. Douglas undertook construction and placed a sign in the yard of the home advertising "Douglas Construction", later advising the county that the home was for sale. A permanent injunction was obtained in Wake County Superior Court on January 4, 2007 when the Court allowed the Board's Motion for Summary Judgment against Leroy Douglas, II.

E.J. Womack Enterprises, Inc. d/b/a Country Fair Homes (Lee County; 05C223). E.J. Womack Enterprises, Inc. d/b/a Country Fair Homes contracted to sell and erect a new modular home for a total cost of \$114,146 without having a general contractors license. A permanent injunction was obtained in Wake County Superior Court on April 9, 2007 when the Court allowed the Board's Motion for Summary Judgment against E.J. Womack Enterprises, Inc. d/b/a Country Fair Homes.

Unlicensed Contractors Subject to Contempt Sanctions:

Criminal Contempt Cases

In April 2005, the Board filed a lawsuit against **David M. Keller d/b/a Keller's Contracting** for contracting without a license. In July 2005, the Court entered a Consent Order that prohibited David M. Keller from engaging in the further practice of general contracting.

In August 2005, Mr. Keller contracted with a church for renovations where the cost of such renovations exceeded \$30,000.00. In a Consent Order signed by a Wake County Superior Court Judge, Mr. Keller was found guilty of criminal contempt of court. He was sentenced to a jail term of 30 days; however, the sentence was suspended on the condition that he make restitution payments to the church. If Mr. Keller fails to make such payments, the jail term will be activated.

Unlicensed Contractors Subject to Contempt Sanctions:

Civil Contempt Cases

Civil Contempt Case 1

In December 2000, the Board filed a lawsuit against **Jackie McNeill** for contracting without a license. In May 2001, the Court entered a Consent Order that prohibited McNeill from engaging in the further practice of general contracting.

In December 2004, Mr. McNeill contracted with homeowners in

Biscoe to construct an addition for a home where the cost exceeded \$30,000.

In a Consent Order signed by a Wake County Superior Court Judge, Mr. McNeill was found to have committed civil contempt of court. In order to purge himself of the contempt, Mr. McNeill paid the costs of the investigation and prosecution and made donations to the Homeowner's Recovery Fund and Hospice.

Civil Contempt Case 2

In August 2001, the Board filed a lawsuit against **Stephen Chorman d/b/a C & W Construction** for contracting without a license. In November 2001, the Court entered a Consent Order that prohibited Mr. Chorman from engaging in the further practice of general contracting.

In January 2005, Mr. Chorman contracted with homeowners in Durham to renovate a home where the cost of such renovations exceeded \$30,000.00.

In a Consent Order signed by a Wake County Superior Court Judge, Mr. Chorman was found to have committed civil contempt of court. Mr. Chorman was sentenced to a jail term of 30 days; however, the sentence was suspended due to Defendant's health. If Mr. Chorman ever engages in the practice of general contracting, the jail term will be activated.

Civil Contempt Case 3

In September 2005, the Board filed a lawsuit against **Paramount Development and Construction, LLC ("Paramount")** for contracting without a license. In December 2005, the Court entered a Consent Order that prohibited Paramount from

engaging in the further practice of general contracting.

In July 2006, Paramount submitted a proposal to an apartment complex in Raleigh to perform repairs where the cost exceeded \$30,000.00.

In a Consent Order signed by a Wake County Superior Court Judge, Paramount was found to have committed civil contempt of court. In order to purge itself of the contempt, Paramount paid the costs of the investigation and prosecution and made a donation to the Homeowner's Recovery Fund.





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